

NNSA STANDARD REVIEW PLAN (Final)

8/30/06

- I. Introduction:** NNSA/DOE contractors are required to submit a worker safety and health program meeting the regulatory criteria contained in §851.11 of 10 CFR 851, *Worker Safety and Health Program*, by February 26, 2007. The purpose of this document is to provide NNSA guidelines for a phase review of the Worker Safety and Health Programs submitted pursuant to 10 CFR 851. A phase review in accordance with the schedule delineated as Paragraph III A of this document will facilitate a comprehensive review of essential elements of the program and provide a high quality, timely review of the contractor's Worker Safety and Health Program. To ensure §851.11(a)(2)(ii) criteria are addressed, each contractor must ensure that coordination with on-site contractors as well as "off-site" work activities are addressed in appropriate portions of the worker safety and health program submittal(s).

10 CFR 851.13(b) states, "In the event a contractor has established a written safety and health program, an Integrated Safety Management System (ISMS) description pursuant to the DEAR Clause, or an approved Work Smart Standards (WSS) process before the date of issuance of the final rule, the Contractor may use that program, description, or process as the worker safety and health program required by this part if the appropriate Head of the DOE Field Element approves such use on the basis of written documentation provided by the contractor that identifies the specific portions of the program, description, or process, including any additional requirements or implementation methods to be added to the existing program, description or process, that satisfy the requirements of this part and that provide a workplace as safe and healthful as would be provided by the requirements of this part."

Because all NNSA site contractors currently have a verified ISMS in place and 10 CFR 851 requirements are essentially identical to the requirements of DOE O440.1A, *Worker Protection Management for DOE Federal and Contractor Employees*, NNSA expects contractor worker safety and health submittals will, for the most part, reference existing contractor program documentation. Contractors were advised that implementing documentation identified in a contractor's submittal will only be reviewed for the purpose of ensuring effective implementation of Rule requirements. These documents are not to be subject to a separate review and approval process during evaluation of contractor submittals for 10 CFR 851. However, if the contractor GAP analysis or Site Office review identifies a deficiency in meeting 10 CFR 851 requirements, the contractor must take appropriate action to correct the programmatic shortcoming and make changes to the appropriate program document.

II. Worker Safety and Health Submittal Format: The following submittal format is to be used to provide a consistent methodology across NNSA and reduce the level of effort required by NNSA contractors and subsequent reviews by NNSA/DOE representatives. By using this format, the worker safety and health program submittal should be clear and concise, and limited to no more than 15-25 pages in length (excluding attachments).

- Signature Page for use by Contractor Manager, Contracting Officer, and Site Office Manager.
- Executive Summary (e.g., brief summary of work activities, locations, number of personnel, identification of Site Office Managers required to approve the submittal, etc.).
- Principle programs (e.g., Integrated Safety Management System Description Document [ISMS DD], Health and Safety Plan [HASP], Work Smart Standards [WSS]) addressing DOE Integration Safety Management System requirements, including incorporation of 10 CFR 851 criteria into these programs.
- Summary discussion of contractor implementing processes (e.g., flowdown of requirements and coordination with subcontractors and sub-tier contractors, plans, procedures) used to address criteria contained in subparts §851.10-§851.27.

The following attachments are to be provided with the contractor submittal:

- 10 CFR 851 Implementation Matrix, documenting review of Rule criterion (e.g., Regulatory Citation, Applicability Determination; and Implementing Mechanisms [e.g., references to plans, procedures]).
- For Off-site Work Locations, describe whether NNSA or OSHA has jurisdiction, and which NNSA Field Office or CO is responsible for the WSH program (if a separate attachment is determined to be required by Site Office and contractor representatives).
- Listing of Work Place safety and health requirements contained in §851.23 & §851.27 applicable to contractor activities.
- Other safety and health standards as required by §851.23(b).

In addition to the submittal requirements, contractors are to provide electronic access to, and/or hard copies of, the following documents upon request by Site Office personnel: NNSA approved ISMS DD; Work Smart Standards (WSS), contract requirements; and/or Principle Implementing Program Document(s) (e.g., ES&H Manual; ES&H Plan; HASP; etc.).

- III. Phase Review Process:** The process of reviewing phases of the Contractor's program submittals will allow NNSA to conduct a comprehensive review of the entire program resulting in the timely approval of a 10 CFR 851 compliant Worker Safety and Health Program. It is important that the Contractor's submittal schedule reflect the NNSA review completion/approval dates and equally important that NNSA personnel dedicate the time and expertise necessary to conduct the review. A phase review by NNSA Field/Site Office personnel of completed actions identified in the contractor's submission schedule is to be conducted within an agreed-to time frame. An example of a site review schedule is provided in Appendix A.

An important part of the overall program submittal is to have a coordinated process led by an appropriate contractor staff person having the authority to coordinate the timeliness of submittals, track completion, resolve issues and provide timely delivery of designated documents to the NNSA Field/Site Office for concurrence/approval. NNSA representation on the contractor's working group is strongly encouraged. Site Office team members need to be aware of issues as they arise, can coordinate appropriate guidance to the contractor, serve as the contractor interface with Program Secretarial Offices, and establish Field/Site Office review completion dates.

- A. NNSA Review Schedule (Appendix A)** – The submission/completion schedule developed by the contractor is the tool for establishing commitments and target dates for key components in the Worker Safety and Health Program culminating in the final submission to the Field/Site Office for approval. The contractor and Field/Site Office should agree on a schedule that meets the standing NNSA commitments shown below.

NNSA Review Schedule

Site Contractor(s) Flow-down to Subcontractor Description due to Site Office	08/01/06
Site Office and Contractors designate which site activities are not covered by 851	08/01/06
10 CFR 851 Requirements Gap Analysis	09/01/06
First drafts of 851 program	10/1/06
Pre Final draft from Contractors	12/01/06
Final Program Submittal no later than	02/09/07
Site Office Approval on or before	05/25/07

B. Key components of the submission/completion schedule include:

- 1. GAP Analysis (Appendix C)** -The GAP Analysis is the key tool to be used by the contractor in comparison of 10 CFR 851 requirements against existing procedures and processes for compliance with DOE Order 440.1A, Integrated Safety Management (ISM) System requirements, and other applicable requirements. The contractor must conduct a line-by-line review of 10 CFR 851 requirements versus existing program mechanisms to identify areas that may need to be added/modified to ensure full compliance with 10 CFR 851 program requirements. A critical part of this process is the involvement by NNSA federal staff subject-matter-expert (SME) during the development and review of the GAP Analysis. This is followed by contractor-Site Office agreement on the identified gaps in the contractor programs and most importantly acceptance of the changes and/or additions necessary for Site Office approval of the Worker Safety and Health Program.

The following SMEs/personnel should be considered for assignment to the Site Office review team for contractor submittals:

Safety Engineer (Lead)
Industrial Hygienist (Lead)
Fire Protection Engineer
Occupational Medicine Program Manager
Fire Arm Safety/Security Specialist
Explosives Safety Engineer/SME
Chemical Safety Engineer
Electrical Safety Engineer
Process Safety Engineer (Pressure Safety)
Process Safety Engineer (Ventilation)
Biosafety Subject Matter Expert
Work Planning & Control Specialist
Contracts and Procurement Organization
Site Office Attorney
Project Management Representative

This group should meet on a periodic basis to report progress and determine path-forward. The members of the group are encourage to work closely with their respective contractor counterparts in resolving compliance issues with most emphasis placed on the GAP and Corrective Action phases.

2. Identified GAP Impact and Required Corrective Action Analysis

(This is part of the GAP Analysis) – Following the contractor GAP Analysis and concurrence by the Field/Site Office; the contractor will identify the impact and corrective action analysis for each gap identified.

The identified program deficiencies and corrective action are to be reviewed by federal staff for adequacy in correcting the identified gaps between existing compliance drivers and the forth coming 10 CFR 851 Rule. The review at this point should be straight forward given the previous contractor submission of the GAPS and SME reviews/concurrence.

For each identified gap, the contractor must document:

- i. 10 CFR 851 Section Number.
- ii. The nature of the gap between 10 CFR 851 vs. current contractor policy/procedure
- iii. An explanation of why this is a gap
- iv. Organizations impacted by the gap.
- v. Potential impact on cost/schedule.
- vi. Proposed resolution.
- vii. Cost/Schedule Impact of Proposed Resolution.
- viii. Name of reviewer identifying gap.

3. Sites/Activities Not subject to 10 CFR 851 Compliance -The Field/Site Office must review and approve the contractors submittal regarding areas/activities not subject to 10 CFR 851.

4. Description of Site Contractor(s) Flow-down of 10 CFR 851 Requirements to Subcontractor(s) – The Site Office must review and approve the contractors submittal describing how the site contractor flows down 10 CFR 851 requirements to subcontractors and lower tiered contractors.

5. First Draft Review – This submittal is important to begin the overall approval process. It is important that the review be thoroughly conducted for compliance with 10 CFR 851. 10 CFR 851.11 requires that the contractor program provide the methods for implementing the requirements of Subpart C and how the contractor will comply with all requirements in every section of the regulation. Contractor program references to existing program documentation must specifically identify the mechanisms to address the individual requirements of Subpart C.

NNSA Site Office personnel must verify that the contractor program provides sufficient detail on the contractor process to assure all 10 CFR 851 requirements will be met. As indicated above, reviewers must verify

that the contractor's submittal adequately describes how the contractor will comply with all requirements contained in Subpart C. (This verification may also take place as part of the GAP Analysis process.) Program mechanisms not meeting 10 CFR 851 requirements and necessary improvements should be identified at this point to allow the contractor time to make necessary modifications to the Worker Safety and Health Program.

Personnel at the NNSA Service Center are also available to assist NNSA Site Offices with the verification process. An example NNSA Standard Review Checklist is provided in Appendix B to facilitate review of contractor programs. Checklist items should be expanded to cover all subparagraphs of 10 CFR 851 applicable to contractor operations.

- 6. Pre-Final Draft Review** - Ongoing communication between contractors and NNSA site office personnel will be necessary to assure timely coordination and approval of contractor worker safety and health programs. The Site Office should seek to resolve any issues identified in the first draft of the contractor program review as expeditiously as possible. Timely Site Office review of the Pre-Final Draft will help assure submittal of the official Worker Safety and Health Program on or before February 26, 2007.

- IV. Approval:** The designated NNSA Site Office Lead will be responsible for coordinating the reviews, resolving compliance conflicts, ensuring timely comments and communicating results to the contractors. The Phase Review will include reviewing and concurring with actions to resolve gaps, review and concurrence with site activities that are not covered by 10 CFR 851, review and concurrence with the contractors flow-down requirements, review and comments to the first draft of the contractor's Worker Safety and Health Program, review and comments to the pre-final draft of the WHS Program followed by review of the final submission. Site Office personnel identified in section 1. above will be responsible under this plan to review submittals identified in the contractors submission/completion schedule utilizing their expertise, resources in the "Review Tool Chest" and reference documents listed below.

Initial approval of the final program will require the signature(s) of the personnel designated by the Site Office Manager. Final signatures approving the Worker Safety and Health Program compliant with 10 CFR 851 will include the Contracting Officer and the Field/Site Office Manager penned on the Signature Page included by the contractor in their submission.

Review Tool Chest:

1. <http://www.eh.doe.gov/>
 - Integrated Safety Management Program
 - 10 CFR 851
 - Implementation Guide
 - Commercial and Industry Standards
 - DOE Directives, Regulations, and Standards
2. <http://www.eh.doe.gov/health/rule851/851final.html>
 - 10 CFR 851
 - Implementation Guide
 - Frequently Asked Questions

References

1. NNSA Interim Supplemental Direction for clarification of 10 CFR 851 Worker Safety and Health Program Implementation, July 7, 2006
2. NA-10 Tasking Letters, May 31, 2006

Appendix A

NNSA – Example Site Review Schedule

Contractor provide consolidate GAP to NNSA Field/Site Office for concurrence	7/30/06										
NNSA Review and provide comments/concurrence to M&O		8/15/06									
Contractor complete 851 Requirements Gap Analysis and Impact Assessment			9/15/06								
NNSA review and concurrence with Contractor Impact Assessment				10/1/06							
Complete implementation of actions to resolve gaps						12/15/06					
Confirm to YSO which site activities are not covered by 10 CFR Part 851.	7/06/06 A (via email to YSO)										
YSO concurrence with site activities not covered by 10 CFR 851		8/1/06									
Issue contractor flow-down description to YSO (NNSA Draft Milestone – 8/01/06)	7/27/06	8/01/06 (M)									
YSO review of contractor flow-down description		8/15/06									
Identify MOUs needed regarding 10 CFR Part 851	7/27/06										
Legal Department Draft MOUs			9/07/06								
NNSA review of MOU			9/15/06								
Notify labor organizations of the development and implementation of a worker safety and health program compliant with 10 CFR Part 851 (ATLC and Building Trades)		8/01/06									
Issue first draft of Program to NNSA			9/30/06								

YSO review and provide comments to contractor of first draft				10/23/06								
Issue second draft of Program to YSO for review (NNSA Draft Milestone – 12/01/06)					11/28/06							
YSO review of 2 nd draft						12/15/06						
Issue Y-12 Worker Safety and Health Program compliant with 10 CFR Part 851 to YSO for approval (Response to COR-Y12-6/26/2006-62703/CCN200652349) (DOE Milestone – 2/26/07)							1/11/07	2/26/07 (M)				
YSO review of the Y-12 and WSI Worker Safety and Health Programs for compliance with 10 CFR 851										1/16/07		5/25/07

Appendix B

National Nuclear Security Administration Standard Review Checklist

	Program Elements/Review Criteria		Comments	Approved Yes/No	Resolution	Date	Review Criteria
1.	Executive Summary						
2.	Scope/exclusions						
3.	Principle Programs						
	3.1	Roles and Responsibilities					
	3.2	Continuous Safety Performance and Improvement					
	3.2.1.	Integrated Safety Management System (ISMS)					
	3.2.2.	Behavior Based Safety					
	3.2.3.	Human Performance Improvement (HPI)					
	3.2.4.	Conduct of Operations					
	3.2.5.	Safe Work Improvements					
	3.3	Quality Assurance (QA) Program					
	3.4	Contractor Assurance System (CAS)					
	3.5	Environmental Management System					
4.	Flowdown of Worker Safety and Health Requirements						
	4.1	Overview					
	4.2	NNSA Approved Purchase System					
	4.3	Technical Staff and ES&H Responsibilities					
	4.4	Procurement Interface					
	4.5	Types of Flowdown					
	4.6	Construction Subcontracting					
	4.7	Subcontractor Technical Representative Program					
	4.8	Lower Tier Subcontractors					
5.	Implementing Processes						
	5.1	Overview					

	5.2	WSH Program – General Requirements (10 CFR 851.10)						
	5.3	Development and Approval of the WHS (10 CFR 850.11)						
		5.3.1.	Preparation, Evaluation and Approval					
		5.3.2.	Coordination with Other Contractors and Labor Organizations					
		5.3.3.	Program Updates					
	5.4	Implementation (10 CFR 851.12)						
	5.5	Compliance (10 CFR 851.13)						
	5.6	Management Responsibilities and Worker Rights and Responsibilities (10 CFR 851.20)						
	5.7	Hazard Identification and Assessment (10 CFR 851.21)						
	5.8	Hazard Prevention and Abatement (10 CFR 851.22)						
	5.9	Safety and Health Standards (10 CFR 851.23)						
	5.10	Functional Areas (10 CFR 851.24)						
		5.10.1	Construction Safety (Appendix)					
		5.10.2	Fire Protection (Appendix)					
		5.10.3	Explosive Safety (Appendix)					
		5.10.4	Pressure Safety (Appendix)					
		5.10.5	Fire Arms Safety (Appendix)					
		5.10.6	Industrial Hygiene (Appendix)					
		5.10.7	Biological Safety (Appendix)					
		5.10.8	Occupational Medicine (Appendix)					
		5.10.9	Motor Vehicle Safety (Appendix)					
		5.10.10	Electrical Safety (Appendix)					

	5.11	Training and Information (10 CFR 851.25)					
	5.12	Recordkeeping and Reporting (10 CFR 851.26)					
	5.13	Reference Sources (10 CFR 851.27)					
6.	Program assessments						
7.	Variance Process						
8.	Appendices						
	8.1	Acronyms, Abbreviations, and Initialisms					
	8.2	List of Memorandum of Understandings/Agreements					
	8.3	Implementation Matrix for 10 CFR Part 851					
	8.4	List of Applicable Workplace Safety and Health Requirements from 10 CFR 851, Section 851.23 and Section 851.27					
	8.5	List of Other Applicable Workplace Safety and Health Requirements					